

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:06CR316
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
JOSE G. VALDIVIA,)	
)	
Defendant.)	

This matter is before the Court on the following motions filed by the Defendant: to proceed on appeal in forma pauperis (Filing No. 87), filed pursuant to Federal Rule of Appellate Procedure 24(a); and to appoint counsel (Filing No. 86). The Defendant, who was represented by retained counsel in this Court, has filed a notice of appeal. (Filing Nos. 78, 84.) The motion to proceed in forma pauperis includes an affidavit regarding the Defendant's financial status. (Filing No. 87.)

The Defendant has met the requirements of Federal Rule of Appellate Procedure 24, and the motion to proceed on appeal in forma pauperis is granted. The motion to appoint counsel is referred to the Eighth Circuit Court of Appeals for disposition.

IT IS ORDERED:

1. The Defendant's motion for leave to proceed on appeal in forma pauperis (Filing No. 87) is granted; and
2. The Defendant's motion for appointment of counsel (Filing No. 86) is referred to the Eighth Circuit Court of Appeals.

DATED this 28th day of March, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge